

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

TERRENCE HEMBY,

Plaintiff,

v.

9:14-cv-0546 (BKS/DJS)

DR. FERRARI, *Bare Hill Correctional Facility, et al,*

Defendants.

APPEARANCES:

Terrence Hemby
01-A-1300
Franklin Correctional Facility
P.O. Box 10
Malone, NY 12953
Pro se Plaintiff

Hon. Eric T. Schneiderman
New York State Attorney General
Joshua L. Farrell, Esq., Assistant Attorney General
The Capitol
Albany, NY 12224
For Defendants

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Terrence Hemby filed this pro se action under 42 U.S.C. § 1983 alleging that the Defendants violated his constitutional rights while he was confined at the Clinton Correctional Facility. Dkt. No. 1. Plaintiff has alleged that the Defendants denied him adequate medical care, in violation of the Eighth Amendment, and that the Defendants retaliated against him for exercising his First Amendment right to file grievances. *Id.* On July 17, 2015, the Defendants

filed a motion for summary judgment and the Plaintiff filed a motion for summary judgment. Dkt. Nos. 40, 43. The motions were assigned to United States Magistrate Judge Daniel J. Stewart who, on April 18, 2016, issued a Report-Recommendation and Order. Magistrate Judge Stewart recommended that Defendants' motion for summary judgment be granted; that Plaintiff's motion for summary judgment be denied; and that this action be dismissed. Dkt. No. 58, p. 20. Magistrate Judge Stewart advised the parties that under 28 U.S.C. § 636(b)(1) they had fourteen days within which to file written objections to the report, and that the failure to object to the report would preclude appellate review. Dkt. No. 58, p. 21.

No objections to the Report-Recommendation have been filed. As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012) Fed. R. Civ. P. 72(b), advisory committee's note to the 1983 edition. Having reviewed the Report-Recommendation for clear error and having found none, it is hereby

ORDERED that the Report-Recommendation (Dkt. No. 58) is **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' Motion for Summary Judgment (Dkt. No. 40) is **GRANTED**; and it is further

ORDERED that Plaintiff's Motion for Summary Judgment (Dkt. No. 43) is **DENIED**; and it is further

ORDERED that this action is **DISMISSED**; and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: June 6, 2016

Brenda K. Sannes
Brenda K. Sannes
U.S. District Judge